

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**DR. ELLEN EDDINGS**

**PLAINTIFF**

**VS.**

**CASE NO. 4:05CV01631 JMM**

**ROBERT CLOWERS, ET AL.**

**DEFENDANTS**

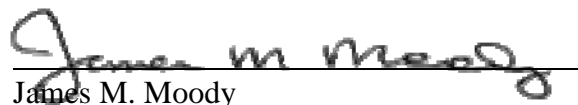
**ORDER**

Pending before the Court is defendants' Motion to Compel Discovery of plaintiff's medical records. Plaintiff responds that she should not be compelled to produce these records because they are irrelevant as she will not offer them as evidence at trial to prove her emotional distress claims or rely upon the testimony of any medical provider or expert at trial.

In *Miles v. Century 21 Real Estate LLC*, Case No. 4:05CV01088 (E. D. September 21, 2006) United States District Judge G. Thomas Eisele held that medical records were not relevant, and thus not discoverable, when they would not be offered as evidence or used to support any expert testimony in support of a plaintiff's claims of emotional distress.

The Court finds that the issues in this case are substantially similar to issues raised in the *Miles* case and believes that Judge Eisele's reasoning in *Miles* can correctly be applied this case resulting in the Motion to Compel being denied (#28).

IT IS SO ORDERED THIS 11 day of May, 2007.

  
James M. Moody  
United States District Court